

ZONING AND ADJUSTMENT BOARD

November 18, 2002

The Zoning and Adjustment Board of Sumter County, Florida convened on Monday, November 18, 2002 at 6:30 P.M. with the following members present: Larry Story, Chairman, Dossie Singleton, Jack Bratton, Rusty Mask, Richard Bradley, Lamar Parker, Todd Brown, Frank Topping and Evan Merritt. Dale Nichols, Wayne Lee, and Mark Caruthers were absent. Terry Neal, Board Attorney, was present. Roberta Rogers, Director of Planning & Development, and Aimee Webb, Board Secretary, were also present.

The Board members led everyone in the pledge of allegiance and prayer.

Mr. Bradley made a motion to approve the minutes from the ZAB Meeting on November 4, 2002. Mr. Bratton seconded the motion and the motion carried.

Mr. Story presented the Proof of Publication.

O2S-7

C. E. Hancock & Chester Pietrowski

Steven Richey, the applicant's attorney, was present and requesting a small scale comprehensive plan amendment on 4.69 acres MOL from Low Density Residential to Commercial on the Future Land Use Map. There were no objections from the audience. Mr. Richey stated this parcel was adjacent to property previously approved by the Boards for a large-scale comprehensive plan amendment and rezoning. There were no further comments or discussions from the Board. Mr. Topping made a motion to recommend approval for the small-scale comprehensive plan amendment to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Brown seconded the motion and the motion carried.

ZP2002-122

C.E. Hancock & Chester Pietrowski

Steven Richey, the applicant's attorney, was present and requesting a rezoning on 4.69 acres MOL from RR to CH. There were five notices sent. Of the five notices sent, there were none received in favor and none in objection. There were no objections from the audience. There were no further comments or discussion from the Board. Mr. Topping made a motion to recommend approval of the rezoning from RR to CH to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Brown seconded the motion and the motion carried.

ZP2002-96

A.C.M.S., Inc.

Mr. Merritt made a motion to remove the case from the table. Mr. Bratton seconded the motion and the motion carried. Randy Messer, applicant, and David Springstead, engineer for the project, were present and requesting a Conditional Use Permit for a sanitary landfill with the following variance requests: 1) Location requirement of Section 13-763.©(1). 2) Closure requirement of Section 13-763.(f)(2)(b). There were five notices sent. Of the five notices sent, none were received in favor and none in objection. There were no objections from the audience, however there was an interested party, Steven J. Richey. Mr. Springstead stated the request for a Class III landfill would allow construction and demolition debris, yard trash, cut up tires, paper, glass plastic, furniture, asbestos, etc. Mr. Springstead stated the Department of Environmental Protection had approved the landfill request and although DEP did not require the cells to have liners, the company felt it was in the best interest to line the cells. Mr. Springstead stated the life expectancy of the facility was 20 years and the material collected would be covered every week. The water collected in the facility would be sent to the City of Bushnell's wastewater treatment facility and storm water would be contained in a water retention area. An area next to the facility would be excavated so the flood elevation of the property would not be raised to avoid off-site impacts.

Some additional concerns raised by the Board members and Mr. Richey were the distance to the bottom of the cell and the top of the aquifer, sink hole testing and leachate contaminants. Mr. Springstead explained testing had been done in the area for possible faults or sink holes and there was a distance of 10' of clay and sand before the water would touch the limestone at the aquifer. If any leak in the liner is detected, no more trash would be allowed in and everything would be dug up to avoid contamination.

There were no further questions or discussions from the Board. Mr. Topping made a motion to recommend approval of the Conditional Use Permit for the class III sanitary landfill with the requested variances to the Board of Sumter County Commissioners provided the conditions described in the staff report were enforced and a tenth condition was added to include the elevation for the base of the cells be raised 10' and the top of the finished grade raised 10'. Mr. Bradley seconded the motion and the motion was denied with everyone voting nay and Mr. Topping voting yea. Mr. Topping made a motion to recommend approval of the Conditional Use Permit for the class III sanitary landfill with the requested variances to the Board of Sumter County Commissioners based on the information provided in the staff report including the recommended conditions. Mr. Merritt seconded the motion and the motion carried.

ZP2002-120

Horace & Jennifer Peacock

Horace and Jennifer Peacock were present and requesting a rezoning from A5 to RR1 on 5 acres MOL for the purpose of lineal transfer. There were seven notices sent. Of the seven notices sent, four were received in favor and none in objection. There were no objections from the audience. Mrs. Peacock explained the purpose of the lineal transfer was to allow her mother to place a home on the separate parcel. There were no further questions or discussion from the Board. Mr. Topping made a motion to recommend

approval of the rezoning from A5 to RR1 to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Parker seconded the motion and the motion carried.

ZP2002-121

George & Karen Boone, Et al

Karen Boone was present and requesting a rezoning on parcel one from A5 to RR1 on one acre MOL deeded by lineal transfer 10/96 and parcel two from A5 and RR1 to RR1 on one acre MOL to redraw lot lines of property rezoned 4/9/80 and the balance of the acreage from A5 and RR1 to A10. There were 10 notices sent. Of the 10 notices sent, none were received in favor and two in objection. The letters of objection was read into the record. There were no objections from the audience. Mrs. Webb and Mrs. Boone explained to the Board the reasons for rezoning the property. There were no further questions or discussion from the Board. Mr. Brown made a motion to recommend approval to rezone the property as requested by the applicant to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Merritt seconded the motion and the motion carried.

Public Forum

Attorney Neal explained to the Board Mr. James Douglas, who has a lawsuit against the Board, had requested the Board rehear his case and he would settle the lawsuit. Mrs. Neal asked Mr. Douglas to leave so she and the Board could have a private consultation. After much discussion, the Board decided to give Mr. Douglas and the opposition a chance to readdress the Board in a public meeting to request the rehearing of the case.

Mrs. Neal and Mrs. Rogers explained to the Board that Larry Mitchell who had testified in the case of Eudora Cowart, ZP2002-107, and represented himself as an engineering consultant was not an engineering consultant but an inspector. Mr. Merritt made a motion to file a complaint against Larry Mitchell for misrepresentation. Mr. Brown seconded the motion and the motion carried. Documentation had been submitted to the BOCC from Mr. William Hull, P.E., which indicates that he is confirming Mr. Mitchell is an engineering consultant. Mr. Bratton made a motion to file a complaint against Mr. Hull. Mr. Mask seconded the motion and the motion carried.

Mr. Story held a discussion with the Board regarding recommending replacing Wayne Lee to the Board of Sumter County Commissioners. Mr. Topping made a motion to recommend approval of replacing Wayne Lee to the Sumter County Board of County Commissioners and extending the Board's appreciation for the service Mr. Lee provided. Mr. Bratton seconded the motion and the motion carried.

Mr. Brown made a motion to adjourn the meeting. Mr. Merritt seconded the motion and the motion carried.

The meeting adjourned at 8:50 p.m.

Larry Story, Chairman
Zoning & Adjustment Board